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6
7 **IN THE UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 BOFA HOLDINGS LLC,
9
Plaintiff,

10 vs.

11 BANK OF AMERICA, N.A., SUCCESSOR BY
12 MERGER TO BAC HOME LOANS SERVICING, LP,
AND DOES 1 THROUGH 10, INCLUSIVE,

13
14 Defendants.

Case No. 2:15-cv-01302 -APG-GWF

STIPULATION TO REFER TO
UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

ORDER

15
16 Plaintiff BOFA HOLDINGS ("Plaintiff"), by and through its attorney, Crystal Eller, and Defendant BANK OF
17 AMERICA, N.A. (BANA) ("Defendant") by and through its attorney, the law firm of AKERMAN L.L.P., hereby stipulate and
18 agree that the United States Bankruptcy Court for the District of Nevada has proper jurisdiction over this case and request that this
Honorable Court refer the case to that Court.

19 WHEREAS, on June 8, 2015, BOFA Holdings, LLC (Plaintiff) filed this lawsuit against Defendant, BANA in the
20 Eighth Judicial District Court for Clark County, Nevada. (See Doc. 1-1.) Plaintiff attempts to obtain title to the subject property
21 free and clear of all properly recorded liens. BANA removed the lawsuit to this Court on the basis of diversity jurisdiction under
22 28 U.S.C. §§ 1332 and 1441. (See Doc. 1.)

23 WHEREAS, the parties agree that bankruptcy jurisdiction is based upon the Bankruptcy Court's Order on Trustee's
24 Motion to Sell Free and Clear of Liens and Encumbrances or, in the Alternative, Motion to Sell Subject to Any and All Liens and
Encumbrances – Real Property. (See Doc. 1-1, Ex. 4.) Per the Order:

25 [t]he [Bankruptcy] Court retains jurisdiction to: (i) interpret, implement, and
26 enforce the [Trustee's Motion to Sell Free and Clear of Liens and
Encumbrances or, in the Alternative, Motion to Sell Subject to Any and All
27 Liens and Encumbrances – Real Property], the Order, and the Agreement; . .
(iii) resolve any disputes, controversies, or claims arising out of or relating
28 to the Motion, the Order, or the Agreement.
(Id., Ex. 4, ¶ 11.)

WHEREAS, the present lawsuit concerns a dispute over the scope of the binding agreement entered into between the Trustee and Plaintiff, i.e., the § 363(b) purchaser. Plaintiff seeks a declaration that Plaintiff is the rightful holder of the property free and clear of all liens, damages in excess of \$50,000, and costs and attorney's fees. In the alternative, Plaintiff seeks an accounting of Defendant's claims, an Order of the Court recognizing that Plaintiff is the legal owner of the property subject to any un-extinguished claims, and an Order of the Court requiring BANA to accept payments under the terms of any surviving lien. (See *id.*, generally.) Accordingly, the Bankruptcy Court has jurisdiction to interpret its Order and address the present dispute between the parties. See 28 U.S.C. § 1334(b).

WHEREAS, referral is all the more appropriate in this case because of the Bankruptcy Court's extended knowledge of the facts

WHEREAS, because the Bankruptcy Court has jurisdiction, this case should be referred to the Bankruptcy Court. See LR 1001(b)(1).

Dated: July 24, 2015.

Dated: July 24, 2015.

AKERMAN LLP

/S/ MATHEW KNEPPER

/S/ Crystal Eller

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Attorney for Plaintiff, BOFA Holdings, LLC

*Attorneys for Bank of America, N.A.,
Successor by Merger to BAC Home
Loans Servicing, LP*

ORDER

On the parties' stipulation, it is hereby ORDERED that this case is hereby referred to the United States Bankruptcy Court, District of Nevada.

IT IS SO ORDERED.

DATED this 28th day of July, 2015.


UNITED STATES DISTRICT JUDGE